REMARKS

In Section 3 of the Non-Final Office Action of March 29, 2006 claims 25 - 34 were rejected under 35 U.S.C. 102(e) as being anticipated by Phelts et al. U.S. Patent 6,868,110 B2. The Applicant believes that the Examiner's statements are not accurate and need further clarification. The Examiner's arguments are analyzed based on MPEP guidelines which are stated in the MPEP Paragraph 2131 as follows:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP 2131. …. "The identical invention must be shown in as complete details as is contained in the . . . claim", *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. …

Regarding independent claim 25, contrary to the Examiner's statement that all elements and claim limitations are disclosed by Phelts et al., it is evident to the Applicant that Phelts et al. do not disclose 2nd, 3rd and 4th sections of claim 25 of the present invention stating:

"- correlating the received signal with the replica code to generate a first **correlation** result with a first delay time, where the first delay time is set outside of the assumed correlation function area;

- correlating the received signal with the replica code to generate a second correlation result with a second delay time, where the second delay time is set between **the first delay time and assumed correct delay time of the correlation function**; and

- determining if the correlation results of the first and second delay times are substantially equal to each other and, if the first and second correlation results are not substantially equal to each other, adjusting the correlation timing so as to cause **the first and second correlation results to be substantially equal to each other**."

Phelts et al. describe a multipath mitigation method consisting of locating a multipath invariant (MPI) point of an ideal autocorrelation function and measuring the distance between the MPI and DLL (delay-lock loop). The methodology used by Phelts et al. is different from the method outlined in claim 25 of the present invention.

The Examiner alleges that an MPI point 108 in Figure 9 of Phelts et al. is equivalent to the first delay time recited in claim 25 of the present invention. It is true that the point 108 is outside of the assumed correlation function area, but the correlation function at the point 108 of Phelts et al. is different from the one recited in the 2nd section of claim 25 of the present invention. The autocorrelation function defined for the point 108 is an ideal **autocorrelation** function (e.g., see Abstract and col. 10, lines 23-25 of Phelts et al.) generated for defining the MPI point (the definition of the MPI is given by Phelts et al., e.g., in col. 8, lines 31-35 and col. 9, lines 6-7 in regard to Figure 8) and not a result

of generating a correlation result by correlating the received signal with the replica code as recited in section 2 of claim 5. Therefore, Phelts et al. do not fully describe the 2nd section of claim 25.

The applicant assumes that the Examiner's reference to col. 15, lines 40-60 of Phelts et al. stating that the late correlator is positioned at the multipath-invariant point and that multipath-invarinat point can be at the point 96d is an attempt to allege that Phelts et al. describe the 3d section of claim 25 of the present invention. If that is the case, the Applicant is of opinion that the facts mentioned by the Examiner are irrelevant to the 3rd section of claim 25 of the present invention wherein the second correlation result is generated with a second delay time set between the first delay time and assumed correct delay time of the correlation function (which has zero chip delay). Therefore, Phelts et al. do not describe the third section of claim 25.

Finally and most importantly, the Examiner stated that Phelts et al. teach that the location of DLL correlators (early and late correlators) is shifted until the difference between early and late samples of the correlation function is zero, thus alleging that Phelts et al. describe the 4^{th} section of claim 25. First, the procedure referenced by the Examiner is performed by the module 166 of Phelts et al. as a prior art procedure such that later, the module 170 can implement multipath mitigation according to the invention described by Phelts et al. (see col. 12, lines 50-65 of Phelts et al.) Apparently, Phelts et al., describe (see Figure 10 and

corresponding text regarding Figure 10 in Phelts et al.) eliminating the multipath tracking error identified in Figure 9 of Phelts et al. between **ideal distance 106 and actual distance 112** (see col. 10, lines 37-38). The correlation results at 106 and 112 of Phelts et al. (and therefore multipath mitigation of Phelts et al.) has nothing to do with the first and second correlation results recited in claim 25 of the present invention (e.g., the Examiner already alleged that the first correlation result is at the point 108) and therefore with adjusting the correlation timing so as to cause the first and the second correlation results to be substantially **equal to each other** as recited in the 4th section of claim 25. Therefore, Phelts et al. do not describe the forth section of claim 25.

Therefore, in light of the above, the rejection of claim 1 under 35 U.S.C. 102(e) as being anticipated by Phelts et al., is unsupported by the art and should be withdrawn per MPEP Paragraph 2131 quoted above.

Independent claims 28 and 31 of the present invention are of the same scope as claim 25. Therefore, the arguments regarding claim 25 presented above are applied to claims 28 and 31 as well and the rejection of claims 28 and 31 under 35 U.S.C. 102(e), as being anticipated by Phelts et al. is unsupported by the art and should be also withdrawn per MPEP Paragraph 2131 quoted above.

Claims 26-27, 29-30 and 32-34 are dependent claims of independent claim 25, 28 or 31, respectively. Since independent claim 25, 28 or 31 is not anticipated by Phelts et al., dependent claims 26-

27, 29-30 and 32-34 are further distinguished over Phelts et al. In other words, since each of the dependent claims 26-27, 29-30 and 32-34 narrows the scope of the novel and non-obvious independent claims 25, 28 or 31, non-obviousness of claims 25, 28 and 31 will compel non-obviousness of claims 26-27, 29-30 and 32-34, and 9-16. Therefore the rejection of claims 26-27, 29-30 and 32-34 under 35 U.S.C. 102(e) should be withdrawn per MPEP Paragraph 2131 quoted above.

Furthermore, the Examiner did not present any reasonable proof of Phelts et al. teaching further unique limitations recited in most of the dependent claims 26-27, 29-30 and 32-34 of the present invention (i.e., the references made to specific sections of Phelts et al., or general statements referring to the previous grounds for rejection by the Examiner do not support the corresponding claim limitations), which still further reinforces their novelty. Additional considerations can be presented by the Applicant regarding these unique limitations of claims 26-27, 29-30 and 32-34 if needed.

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The objections and rejections of the Office Action of March 29, 2006, having been obviated or shown to be inapplicable, withdrawal thereof is requested and passage of claims 25-34 to issue is solicited.

Respectfully submitted,

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May 9, 2006
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